

# Notice of Allowability

Application No.

09/484,140

Examiner

Michael N. Opsasnick

Applicant(s)

BECK, JIM

Art Unit

2626

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/13/07.
2. ☒ The allowed claim(s) is/are 1,2,4-8,10-19,21-25 and 27-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.


### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**MICHAEL OPSASNICK**  
**PRIMARY EXAMINER**

  
Michael N Opsasnick  
Primary Examiner  
AU2626

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 27, change:

“as in claim 26”

to:

“as in claim 25”

### ***Allowable Subject Matter***

2. Claims 1,2,4-8,10-19,21-25,27-32 are allowed over the prior art of record. The following is a statement of reasons for the indication of allowable subject matter: As per the independent claims, the particular structure pertaining to certain greetings, in conjunction with language determination corresponding to that particular greeting, is not explicitly taught by the prior art of record. With respect to the prior art of record, Kelly (5999965) teaches an ACD (col. 3 lines 40-50) detecting and routing calls (col. 12 lines 25-55), with optional voice input (col. 5 lines 58-

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62). Kelly also teaches call distribution based on the language of the call (col. 12 lines 50-55).

Lennig et al (5479488) teaches a call distributor comprising detecting a call (col. 4 line 13 – col.

5 line 14), sampling an audio greeting of the call (col. 6 lines 19-43), using lexemes based on

language, location, and business name based upon the input from the user after prompting (col. 5

lines 53-61 → the user's first response can be considered to be the 'initial', or first response of

the user), and fitting a plurality of audio templates to the sampled greeting of the call (as

comparing and calculating probabilities in the comparison process -- figs 3a,3b; col. 6 lines 35-

42, col. 8 line 10 – col. 10 line 35). Lennig et al (5479488) teaches language determination

during the call processing (col. 6 lines 1-18, Fig. 3a, subblocks 302-308). Sabourin et al

(6912499) teaches the use of multilingual speech models (Sabourin et al (6912499)), col. 2 lines

30-50), in order to remove the step of prompting the user to input the language of choice

(Sabourin et al (6912499), col. 1 lines 55-65). Frey et al (6535596) teaches call routing based on

the desired language (col. 12 lines 10-18), wherein the type of language is based upon the called

party's preference (i.e., an outdiald/outbound call – col. 12 lines 17-19). Polcyn (6614885)

teaches a language selection technique based upon recognized input speech (abstract, col. 4 lines

14-30), as well as comparing the utterance with prestored language utterances (col. 7 lines 11-

20). Eisdorfer et al (5475733) teaches identifying the language of the user and routing to the call

agent associated with that language (Fig. 2, col. 2 lines 20-30).

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***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**MICHAEL OPSASNICK**  
**PRIMARY EXAMINER**



mno

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10/28/07